

10/593435

Regarding Point V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1 Prior Art Documents**

In this communication, reference is made to the following documents:

- D1: US 2003/139883 A1 (TAKAFUJI TETSUYA ET AL) 24 July 2003 (2003-07-24)
- D2: US 2003/149530 A1 (STOPCZYNSKI LAWRENCE GERARD) 7 August 2003 (2003-08-07)
- D3: US-B1-6 405 132 (BREED DAVID S ET AL) 11 June 2002 (2002-06-11)

**2 Claims 1 through 10**

2.1 The present patent application does not meet the requirements of Article 33(1) PCT because the subject matter of claim 1 is not novel within the meaning of Article 33(2) PCT.

Document D1 (the references in brackets refer to this document, see the figures) discloses a method for deciding to trigger and for triggering restraint systems of a motor vehicle, including the method steps of:

- determining the current position of the motor vehicle;
- determining position-relevant environmental data of the motor vehicle;
- determining position-relevant reference values of the motor vehicle (para [0088]);
- determining position-relevant actual values of the motor vehicle (para [0074]);

- comparing the reference and actual values; and
- taking this data into account in the triggering decision and in the control of restraint systems.

The features of independent claim 1 are disclosed in document D1. Therefore, the subject matter of claim 1 is not novel.

- 2.2 Dependent claims 2, 5 and 6 do not contain any features which, in combination with the features of any claim to which they refer, would meet the requirements of the PCT with regard to inventive step (Article 33(3) PCT). The reasons for this are as follows:

The features of dependent claims 2 and 6 were already used for the same purpose in a similar method (compare document D2, figure 1). Therefore, it was obvious to those skilled in the art to use these features also in a method according to document D1 so as to produce corresponding effects, and thus, to arrive at a method according to claims 2 and 6.

Dependent claim 5 relates to a slight structural modification of the method according to claim 1, which is within the limits of what those skilled in the art would usually do based on their usual mode of reasoning, particularly since the advantages achieved in this way are easy to see.

Therefore, the subject matter of claims 2, 5, and 6 also lacks an inventive step.

- 2.3 The combination of features set forth in dependent claims 3 and 4 is not known or suggested in the available prior art.

2.4 The present patent application does not meet the requirements of Article 33(1) PCT because the subject matter of claim 7 is not novel within the meaning of Article 33(2) PCT.

Document D2 (the references in brackets refer to this document) discloses a device for deciding to trigger and for triggering restraint systems of a motor vehicle, comprising:

- a navigation system having a sensor system;
- data sources for data about vehicle orientations;
- restraint systems;
- at least one device for taking into account data, the device allowing data from the navigation system to be linked to the electronic control device.

The features of independent claim 7 are disclosed in document D2. Therefore, the subject matter of claim 7 is not novel.

2.5 Dependent claims 8 through 10 apparently do not contain any additional features which, in combination with the features of any claim to which claims 8 through 10 refer, would meet the requirements of the EPC with regard to novelty (Article 33(2) PCT) or inventive step (Article 33(3) PCT). The reasons for this are as follows:

The additional features of Claims 8 and 10 are known from document D1, see figure 1.

Dependent claim 9 relates to a slight modification of the device according to claim 7, which is within the limits of what those skilled in the art would usually do based on their usual mode of reasoning, particularly since the

advantages achieved in this way are easy to see.

Therefore, the subject matter of claims 8 and 10 is not novel. The subject matter of claim 9 lacks an inventive step.

### **3 Industrial Applicability**

The subject matter of claims 1 through 10 apparently also meets the requirements of Article 33(4) PCT, since it can apparently be manufactured and/or implemented and used at least in the field of automotive engineering.

#### **Regarding Point VI**

##### **Certain documents cited**

Certain published documents

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
EP04012800.1	01/12/2004	28/05/2004	30/05/2003

#### **Regarding Point VIII**

##### **Clearness, conciseness and support in description**

The terms "position-relevant environmental data", "position-relevant reference values" and "position-relevant actual values" used in claim 1 are vague and unclear and leave the reader uncertain about the meaning of the corresponding technical features. As a result of this, the definition of the subject matter of this claim is not clear (Article 6 PCT).

Therefore, it should have made clear in claim 1 which data or values are position-relevant.